

which has been stamped, embossed, inscribed, or otherwise placed, on any industry product for the purpose of disclosing its metallic composition or any other material information.

(e) The term *plate* or *plated* means that a sheet or shell of metal has been applied by soldering, brazing, welding, or other mechanical means to the outer surfaces of foundation metal stock.

(f) The term *electroplate* or *electroplated* means that a coating of metal has been applied by the electrolytic method to the outer surfaces of foundation metal stock.

(g) The term *industry product* means a watch, watchcase, accessory or a part thereof.

(h) The term *industry member* means a person, firm, corporation, or organization engaged in the importation, manufacture, sale, or distribution of any industry product. [Guide 1]

§ 245.2 Misrepresentation in general.

Industry members should not use, or cause or promote the use of any promotional materials, advertising, labels, tags, marks, insignia, brand or trade names, depictions or packaging which bear, contain, or constitute representations which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the grade, quality, estimated life, appearance, substance, size, construction, novelty, composition, accuracy, dependability, imperviousness, repairability, conformance to standards, or methods of manufacture, of industry products; or

(b) With respect to the country of origin of industry products or parts thereof; or

(c) In any other material respect. [Guide 2]

§ 245.3 Misrepresentation of metallic composition of watchcases and certain watch bands.

Industry members should not directly or indirectly, in advertising, marking, labeling, in a brand or trade name, or otherwise, misrepresent the metallic composition of a watchcase. With respect to cases having an exposed surface or surfaces which are, or

have the appearance of being, metal, the metallic composition of the cases should be clearly and conspicuously disclosed in accordance with the methods and terminology set forth below:

(a) *Exclusions.* In determining the metallic composition of watchcases, parts which are necessarily required to be of steel or some other base metal may be excluded, namely, the springs, hinge pins for jointed cases, spring pins for straps or bands, separate inside movement holding rings, and crown cores.

(b) *Gold.* Watchcases which are not composed entirely of fine (24 karat)¹ gold should not be marked with the unqualified word “gold” or an abbreviation thereof.

(c) *Gold alloy.* Watchcases composed entirely of an alloy of gold of not less than 10 karat fineness¹ should be marked as “gold” or by an abbreviation thereof, and such word or abbreviation should be immediately preceded with a correct designation of the karat fineness¹ of the alloy, for example, “10 Karat Gold,” “14 Kt Gold,” “10 Kt.”

(d) *Gold filled.* Watchcases which have been plated by mechanical means with gold, or with an alloy of gold of not less than 10 karat fineness,¹ and the plating is of a thickness throughout of not less than three one-thousandths² of an inch after completion of all finishing operations, should be marked “Gold Filled”, or by an abbreviation thereof, and such term or abbreviation should be immediately preceded by a correct designation of the karat fineness¹ of the gold alloy of which the plating is composed, as, for example, “12 Karat Gold Filled”, “12 K.G.F.”

(e) *Rolled gold plate.* Watchcases which have been plated by mechanical means with gold, or with an alloy of gold of not less than 10 karat fineness,¹ and the plating is of a thickness throughout of not less than one and one-half one thousandths² of an inch upon completion of all finishing operations, should be marked “gold plate”

¹Subject to the tolerances applicable thereto under the National Stamping Act (15 U.S.C., section 294, et seq.).

²See footnote on previous page.

²Subject to permissible tolerances set forth in paragraph 1 of the appendix.

or "rolled gold plate" or by an abbreviation thereof and such term or abbreviation should be immediately preceded by a correct designation of the karat fineness¹ of the gold alloy of which the plating is composed, as, for example, "10 Karat Gold Plate," "10 Karat Rolled Gold Plate," "10 K.R.G.P."

(f) *Gold electroplate.* (1) Watchcases which have been electroplated with gold or with an alloy of gold of not less than 10 karat fineness,¹ to a thickness throughout of not less than three-fourths one thousandths² of an inch upon completion of all finishing operations and which can successfully withstand the tests set forth in paragraph 2 of the appendix, should be marked "gold electroplate" or "gold electroplated" and such term may be immediately preceded by a correct designation of the karat fineness¹ of the gold alloy of which such coating is composed, e.g., "16 Karat Gold Electroplate." If the thickness of such gold electroplate is one and one-half one thousandths² of an inch or greater, it may be described as "Heavy Gold Electroplate," and such term may be immediately preceded by a correct designation of the karat fineness¹ of the gold alloy of which such plating is composed. Gold electroplated products which satisfy the provisions in this paragraph may also be marked with an accurate disclosure of the actual thickness of the electroplate, e.g., " $\frac{1}{1000}$ " gold electroplate."

(2) Watches which have cases marked "gold electroplate" or "gold electroplated" in conformity with this section should, when sold to the ultimate consumer within the 18-month period immediately following the operative date of this section, be accompanied by an appropriate statement explaining the meaning of the marking and providing sufficient information to enable the consumer to make an informed judgment regarding the quality of the coating. The statement should not purport to compare the merits of electroplated coatings with the merits of coatings applied by other processes. The statement should be made on any point of sale material describing or referring to the watch and on a label or tag firmly affixed to the watch.

(g) *Silver.* Watchcases which are composed entirely of pure silver or of an alloy of silver of not less than nine-hundred twenty-five one thousandths fineness¹ should be marked as "silver," "sterling" or "sterling silver" or by an abbreviation thereof. Cases which are composed entirely of a silver alloy of at least nine-hundred one thousandths fineness¹ should be marked "coin silver."

(h) *Silver plate.* Watchcases which have been plated or electroplated with silver, should be marked as "silver plate" or "silver plated", if after the completion of all finishing operations, such plating is of sufficient thickness to withstand normal use and last throughout the estimated life of the watch.

(i) *Other precious metals.* Watchcases which are composed in whole or in part of a precious metal other than gold or silver, or of an alloy of such a metal, or which have been plated or electroplated with such a metal or alloy thereof, should be marked so as to disclose the kind of precious metal or alloy so used and the manner of its use.

(j) *Base metals.* Watchcases or parts thereof which do not meet the minimum requirements set forth in paragraphs (b) through (i) of this section should be marked as "Base Metal" or so as to identify clearly the kind or kinds of metal of which they are composed, e.g., "Aluminum," "Stainless Steel," "Chromium Plated Steel," and under these circumstances the mark should not contain the names of or abbreviations for any precious metal.

(k) *Combination of metals.* Watchcases which are composed of parts having different metallic compositions, should be marked in the manner prescribed in paragraphs (b) through (j) of this section with an accompanying explanation of the part or parts to which such markings or descriptions apply, e.g., "Base Metal Back," "14 K Gold Filled Bezel."

(l) *Substantiality.* A watchcase should not be composed of metals or alloys, or have coatings of either base metal or precious metals, which are not of sufficient thickness and substantiality as to render lasting and effective service, with due regard to the estimated life of the watch of which it is a part, unless

the fact that such case will not render such service is clearly and conspicuously disclosed on a tag, label, or in other printed material which accompanies the watch when it is sold to the ultimate consumer.

(m) *Placement of markings and abbreviations.* All markings on watchcases as provided in this part should be of a permanent type and made on the exterior, exposed surface of the back, and be so placed and of such a size that they will be readily apparent to purchasers of the product. Provided that markings, respecting the metallic composition of watch bands which are part of the cases, may be placed on the bands or on the cases. All markings should be stated in the English language and printed in letters or figures of the same size and conspicuousness as that used for words or abbreviations descriptive of any precious metal content, i.e., “gold,” “silver,” or “karat”. When using abbreviations in markings as provided by this section, “G” may be used for the word “Gold,” “K” or “Kt” for the word “Karat,” and “Chr” for the word “Chromium”. In addition “G.F.” may be used for “Gold Filled,” and “R.G.P.” for “Rolled Gold Plate.” The terms “electroplate” and “electroplated” should not be abbreviated. The word “filled” and the word “plate” should not be abbreviated in marks containing the word “gold” unless the word “gold” is abbreviated by use of the letter “G”.

(n) *Misuse of terms.* The words “gold,” “karat,” “silver,” “sterling,” “coin,” or any abbreviation thereof either alone or in conjunction with other words such as “solid,” “plate,” “plated,” “filled,” “electroplate,” or “electroplated” or any abbreviation thereof should not be used as a marking or as descriptive of a watchcase or part thereof in labeling, advertising, trade names or otherwise in a manner inconsistent with the provisions of this section.

(o) *Disclosures in advertising.* All disclosures which are placed on industry products in conformity with this section should also appear in all advertising or other promotional material pertaining to such products, irrespective of the media used, whenever statements, representations, or depictions

are made or appear therein, which in the absence of such disclosures serve to create a false impression that the products or parts thereof, are of a certain metallic composition. The disclosure so made should be of such conspicuousness and clarity as to be noted by purchasers and prospective purchasers casually reading, or listening to, such advertising, and the words and terms therein which are descriptive of metallic composition should not be used except as provided in this section. [Guide 3]

§245.4 Misrepresentation as to durability or suitability.

Industry members should not misrepresent directly or indirectly, in advertising, labeling, marking, brand or trade name, depictions, or otherwise the characteristics of a product or the ability of a product to resist or withstand damage from stated causes, or of its suitability for particular uses. Illustratively, industry members should not, under this section: Falsely designate or describe a watch as a chronometer or use such terms as “skin divers,” “navigators,” or “railroad” as descriptive of industry products which do not possess the characteristics, e.g., ruggedness, accuracy, dependability, or other features, required of watches used by persons engaged in those activities. [Guide 4]

§245.5 Misrepresentation of protective features.

(a) Industry members should not misrepresent directly or indirectly, in advertising, other promotional material, labeling, brand or trade name, or marking, or otherwise, the ability of a product to withstand or resist damage or other harmful effects from stated causes. Illustratively, under this section a product should not be described or designated as “shockproof,” “waterproof,” “nonmagnetic,” or “all proof,” even if such term or terms are qualified by words or phrases, e.g., “waterproof when case, crown, and crystal are intact.” In addition a product should not be described or designated as “shock resistant,” “water resistant,” or “anti-magnetic” unless it conforms to the applicable provisions set forth below: